

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**KATHERINE HERKENHOFF,**

**Plaintiff,**

**v.**

**SUPERVALU STORES, INC. d/b/a  
SHOP ‘N SAVE and SUPERVALU  
PHARMACIES, INC. d/b/a SHOP ‘N  
SAVE PHARMACIES**

**Defendants.**

**Case No. 4:13CV1974 SNLJ**

**MEMORANDUM AND ORDER**

Six motions are pending in this matter, all of which go to the adequacy of plaintiff’s complaint or to the timeliness of the briefing of those motions. However, the Court observes that plaintiff has now filed a Second Amended Complaint (#30), which adds two parties to this matter. According to the defendants’ Notice of Removal (#1), the Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the plaintiff is a citizen of Missouri and the defendants are citizens of Minnesota and Delaware. The citizenship of the two pharmacists that plaintiff added to the Second Amended Complaint has not been pleaded. The Eight Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). As a result, the Court requires more information before this matter may proceed. The

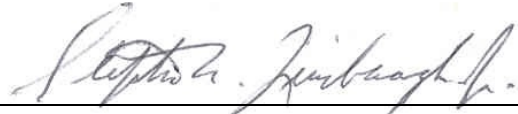
parties will therefore be ordered to show cause (or otherwise file a motion addressing) why this matter should not be remanded for lack of federal jurisdiction.

Accordingly,

**IT IS HEREBY ORDERED** that the parties shall show cause why this matter should not be remanded to state court for lack of subject matter jurisdiction no later than June 30, 2014.

**IT IS FURTHER ORDERED** that the defendants shall indicate no later than June 30, 2014 whether, in the event that this matter is not remanded to state court, their pending motions have been rendered moot by the Second Amended Complaint and whether they intend to file new motions to dismiss.

Dated this 16th day of June, 2014.

A handwritten signature in dark ink, appearing to read "Stephen N. Limbaugh, Jr.", is written over a horizontal line.

STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE